



Linda S. Adams
Secretary for
Environmental Protection



Department of Toxic Substances Control

Maureen F. Gorsen, Director
1001 "I" Street
P.O. Box 806
Sacramento, California 95812-0806



Arnold Schwarzenegger
Governor

July 3, 2007

Certified Mail 7003 3110 0003 0767 7991

Mr. Howard Hatayama
Lawrence Berkeley National Laboratory
1 Cyclotron Road
Berkeley, California 94720

LAWRENCE BERKELEY NATIONAL LABORATORY PERMIT APPEAL;
EPA ID No. CAD 059 494 310

Dear Mr. Hatayama,

The Department of Toxic Substances Control (DTSC) has received the enclosed petition for review (the Petition) of DTSC's final permit decision issued on November 17, 2006 for renewal of the permit (the Permit) for the hazardous waste storage and treatment facility (the Facility) at the Lawrence Berkeley National Laboratory located in Berkeley, California. The Petition was filed on December 21, 2006 by Pamela Sihvola and L.A. Wood on behalf of the Committee to Minimize Toxic Waste (the Petitioners).

This confirms that pursuant to California Code of Regulations, title 22, section 66271.14, subdivision (b)(2), the Permit is stayed until DTSC has completed its preliminary review of the Petition and has determined, which, if any, of the issues raised in the Petition meet the criteria set forth in California Code of Regulations, title 22, section 66271.18 for granting review. This also confirms that the Facility's previous permit will remain in effect until further notice from DTSC.

In the near future, DTSC will issue an order that will grant and/or deny review of specific comments raised in the Petition. If DTSC denies review of certain comments, this first order will be the final decision on those comments. If DTSC grants review of certain comments, DTSC will establish a briefing schedule. After the briefing period closes, DTSC will consider the information that was submitted and issue a second order concerning those issues. The first order will also announce whether the preliminary

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stay of some conditions in the Permit can be lifted, or whether the stay of the entire Permit must remain in place pending the outcome of a briefing period.

Because I have been appointed to review and render a decision on the Petition, I must remain neutral in the process. Therefore, I am unable to communicate about the substance of the Permit and the Petition with any parties. You and the Petitioners may, however, continue to communicate with staff in DTSC's Standardized Permitting and Corrective Action Branch.

If you have any questions or require additional information about the appeal process and procedures, you may contact Ms. Ann Carberry of my staff at (916) 322-1131 or acarberry@dtsc.ca.gov. For questions or substantive information about current permit requirements and/or the proposed new Permit, please feel free to contact Mr. Waqar Ahmad in our Berkeley office at (510) 540-3932 or wahmad@dtsc.ca.gov or his supervisor Ms. Wei Wei Chui at (510) 540-3975 or wchui@dtsc.ca.gov.

Sincerely,

//original signed by//

Watson Gin, P.E.
Deputy Director
Hazardous Waste Management Program

Enclosure

cc. Ms. Pamela Sihvola
Committee to Minimize Toxic Waste
P.O. Box 9646
Berkeley, California 94709

Mr. L.A. Wood
1803 Bonita Avenue
Berkeley, California 94709

Mr. Steve Armann
RCRA Permits Section
United States Environmental Protection Agency
75 Hawthorne Street
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cc: Ms. Marilee Hansen
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Mr. Waqar Ahmad
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